

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 09-0312 JB

KALVEST GANADONEGRO,

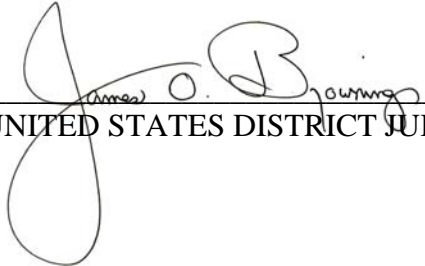
Defendant.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on the Motion in Limine to Exclude Testimony Regarding Intent, filed August 28, 2011 (Doc. 153). The Court held a hearing on August 31, 2011. The primary issue is whether the Court should issue an order preventing the prosecution and any of its medical witnesses from mentioning, in opening statement, closing argument, during testimony, or by documents, an expert medical opinion that Ganadonegro necessarily had the intent to kill or seriously injure because of the nature of the injuries that the deceased child suffered. At the hearing, Plaintiff United States of America represented that it did not have any objection to the Court entering such an order. For these reasons, and the reasons stated on the record at the hearing, the Court will grant Defendant Kalvest Ganadonegro's motion and will bar the United States and its medical witnesses from mentioning, in opening statement, closing argument, during testimony, or by documents, an expert medical opinion that Ganadonegro necessarily had the intent to kill or seriously injure because of the nature of the injuries that the deceased child suffered.

**IT IS ORDERED** that Defendant Kalvest Ganadonegro's Motion in Limine to Exclude Testimony Regarding Intent, filed August 28, 2011 (Doc. 153) is granted. The United States and

its medical witnesses cannot mention, in opening statement, closing argument, during testimony, or by documents, an expert medical opinion that Ganadonegro necessarily had the intent to kill or seriously injure because of the nature of the injuries that the deceased child suffered.



UNITED STATES DISTRICT JUDGE

*Counsel:*

Kenneth J. Gonzales  
United States Attorney  
Presiliano Torrez  
Jennifer M. Rozzoni  
Assistant United States Attorneys  
Albuquerque, New Mexico

*Attorneys for the Plaintiff*

Kari Converse  
Brian A. Pori  
Assistant Federal Public Defenders  
Albuquerque, New Mexico

*Attorneys for the Defendant*